

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RANDY ALLEN REVAK,

11 Petitioner, No. CIV S-00-1685 LKK JFM P

12 vs.

13 R. Q. HICKMAN, et al.,

14 Respondents. ORDER

15 _____ /
16 Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of
17 this court's August 12, 2005, denial of his application for a writ of habeas corpus. Before
18 petitioner can appeal this decision, a certificate of appealability must issue. 28 U.S.C. § 2253(c);
19 Fed. R. App. P. 22(b).

20 A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the
21 applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C.
22 § 2253(c)(2). The certificate of appealability must "indicate which specific issue or issues
23 satisfy" the requirement. 28 U.S.C. § 2253(c)(3).

24 A certificate of appealability should be granted for any issue that petitioner can
25 demonstrate is "'debatable among jurists of reason,'" could be resolved differently by a different
26 court, or is "'adequate to deserve encouragement to proceed further.'" Jennings v. Woodford,

1 290 F.3d 1006, 1010 (9th Cir. 2002) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 (1983)).¹

2 Petitioner has made a substantial showing of the denial of a constitutional right in
3 the following issues presented in the instant petition: (1) whether the trial court committed
4 sentencing error; (2) whether petitioner's right to due process and notice of the charges against
5 him was violated by the imposition of a sentencing enhancement; (3) whether the trial court
6 violated petitioner's right to present a defense when it excluded evidence bearing on the
7 credibility of the victim; (4) whether the trial court erred when it refused to grant petitioner
8 access to confidential information from two state agencies regarding the victim's children; and
9 (5) whether the trial court improperly granted petitioner's motion to represent himself.

10 Accordingly, IT IS HEREBY ORDERED that a certificate of appealability is
11 issued in the present action.

12 DATED: September 16, 2005.

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14 /s/Lawrence K. Karlton
15 UNITED STATES DISTRICT JUDGE
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25 ¹ Except for the requirement that appealable issues be specifically identified, the standard
26 for issuance of a certificate of appealability is the same as the standard that applied to issuance of
a certificate of probable cause. Jennings, at 1010.